

IN THE DRAWINGS:

In FIG. 5B the same reference number (519) is assigned to both the detent on the slot of the fixed arm and the guide pin that passes through the top corner of the sliding arm; also, the reference number for the sliding arm was inadvertently omitted. In order to correct this, a replacement sheet for FIG. 5B is attached which changes the reference number for the detent from 519 to 520, and also adds the reference number 507 to the sliding arm.

REMARKS

This amendment and related remarks that follow are intended to place the subject application in condition for allowance. Amendments to the specification are presented started on page 2. Specifically, a new section entitled "DESCRIPTION OF THE DRAWINGS" is added, which was inadvertently omitted from the application as filed. Additionally, eight paragraphs in the published application are amended as follows. Paragraph [0027] is amended to add a missing reference to FIG. 1B. Paragraph [0030] is amended to add a missing reference to FIG. 1B and also to fix typographical errors. Paragraph [0038] is amended to add a missing reference to FIG. 4B. Paragraph [0041] is amended to correct and clarify the references to FIG. 5A and also to fix typographical errors. Paragraph [0042] is amended to correct the reference to FIG. 5A and also to fix typographical errors. Paragraph [0044] is amended to correct the reference to FIG. 5B and change the reference designator 519 to 520 to correspond with the amendments made to FIG. 5B discussed below. Paragraph [0045] is amended to correct the reference to FIGS. 5A and 5B and also to fix a typographical error. Finally, paragraph [0046] is amended to correct the reference to FIG. 5A. Amendments to the claims are presented starting on page 8. Specifically, claim 14 is amended to establish the required antecedent basis as discussed in section 1 below. An amendment to the drawings (specifically FIG. 5B) is presented on page 14 and the corresponding replacement sheet is attached. No new matter is introduced as a result of these specification, claim and drawing amendments. In view of these amendments and the following reasoning for allowance, the applicants hereby respectfully request further examination and reconsideration of the subject application.

1. Objection to Claim 14

The aforementioned Office Action of July 13, 2006 objected to claim 14 of the subject application because it lacks an antecedent basis for "said dowels and spacer." This claim has been amended to make it dependent on claim 13 which establishes the required antecedent basis. Accordingly, it is kindly requested that this claim be reconsidered.

2. Rejection of Claims 1-9, 12, 16, 18, 19, 22, 23 and 33-36 Under 35 USC §102(b)

The aforementioned Office Action of July 13, 2006 rejected claims 1-9, 12, 16, 18, 19, 22, 23 and 33-36 of the subject application under 35 USC §102(b) as being anticipated by Bell (U.S. Patent No. 5,598,957). More particularly, the Examiner stated that Bell teaches all the features of these claims with the following exceptions. The Examiner contended that the feature of claims 4, 9 and 36, where the hanger in the collapsed position has an offset spacing that determines the size of a garment neck that the hanger will fit through, is inherent to Bell since "the hanger could inherently fit through such a neck if the size was large enough." The Examiner also contended that claim 12's feature of the guide bar being releasably connected to the fixed arm is inherent to Bell. The applicants respectfully disagree with this contention of anticipation for the following reasons.

The **applicants claim** a gravity actuated collapsible garment hanger which is based on an *asymmetric* design that contains a fixed arm and a ***single sliding arm***.

In contrast, **Bell teaches** an adjustable hanger which is based on a *symmetric* design that contains ***two sliding arms***.

A prima facie case of anticipation is established only when the Examiner can show that the cited reference teaches *each* of the claimed elements of a rejected claim. In this case, based on the remarks presented above, the Examiner has not shown that the Bell reference teaches the subject application's claimed feature of the hanger containing a ***single sliding arm***. Thus, the rejected claims recite a feature that is not taught in the cited art, and as such, a prima facie case of anticipation can not be established. Accordingly, it is respectfully requested that the rejection of claims 1-9, 12, 16, 18, 19, 22, 23 and 33-36 be reconsidered based on the following novel claim language exemplified in claim 33:

"a fixed arm;
a sliding arm slidably disposed within said fixed arm."

3. Rejection of Claims 1-9, 11, 12, 15, 16, 18-20, 22, 23 and 33-36 Under 35 USC §102(b)

The aforementioned Office Action of July 13, 2006 rejected claims 1-9, 11, 12, 15, 16, 18-20, 22, 23 and 33-36 of the subject application under 35 USC §102(b) as being anticipated by McClenning (U.S. Patent No. 3,874,572). More particularly, the Examiner stated that McClenning teaches all the features of these claims with the following exceptions. The Examiner contended that the feature of claims 4, 9 and 36, where the hanger in the collapsed position has an offset spacing that determines the size of a garment neck that the hanger will fit through, is inherent to McClenning since "the hanger could inherently fit through such a neck if the size was large enough." The Examiner also contended that claim 12's feature of the guide bar being releasably connected to the fixed arm is inherent to McClenning. The applicants respectfully disagree with this contention of anticipation for the following reasons.

As stated in section 2 above, the **applicants claim** a gravity actuated collapsible garment hanger which is based on an *asymmetric* design that contains a fixed arm and a ***single sliding arm***.

In contrast, **McClenning teaches** a collapsible hanger which is based on a *symmetric* design that contains ***two sliding arms***.

A prima facie case of anticipation is established only when the Examiner can show that the cited reference teaches *each* of the claimed elements of a rejected claim. In this case, based on the remarks presented above, the Examiner has not shown that the McClenning reference teaches the subject application's claimed feature of the hanger containing a *single* sliding arm. Thus, the rejected claims recite a feature that is not taught in the cited art, and as such, a prima facie case of anticipation can not be established. Accordingly, it is respectfully requested that the rejection of claims 1-9, 11, 12, 15, 16, 18-20, 22, 23 and 33-36 be reconsidered based on the novel claim language exemplified in claim 33, which is recited in section 2 above.

4. Rejection of Claims 1-9, 11, 12, 16, 18-20, 22 and 23 Under 35 USC §102(b)

The aforementioned Office Action of July 13, 2006 rejected claims 1-9, 11, 12, 16, 18-20, 22 and 23 of the subject application under 35 USC §102(b) as being anticipated by Massa et al. (U.S. Patent No. 2,679,958 – hereafter Massa). More particularly, the Examiner stated that Massa teaches all the features of these claims with the following exceptions. The Examiner contended that the feature of claims 4 and 9, where the hanger in the collapsed position has an offset spacing that determines the size of a garment neck that the hanger will fit through, is inherent to Massa since “the hanger could inherently fit through such a neck if the size was large enough.” The Examiner also contended that claim 12’s feature of the guide bar being releasably connected to the fixed arm is inherent to Massa. The applicants respectfully disagree with this contention of anticipation for the following reasons.

As stated in section 2 above, the **applicants claim** a gravity actuated collapsible garment hanger which is based on an *asymmetric* design that contains a fixed arm and a ***single sliding arm***.

In contrast, **Massa teaches** a garment hanger which is based on a *symmetric* design that contains ***two sliding arms***.

A prima facie case of anticipation is established only when the Examiner can show that the cited reference teaches *each* of the claimed elements of a rejected claim. In this case, based on the remarks presented above, the Examiner has not shown that the Massa reference teaches the subject application’s claimed feature of the hanger containing a *single sliding arm*. Thus, the rejected claims recite a feature that is not taught in the cited art, and as such, a prima facie case of anticipation can not be established. Accordingly, it is respectfully requested that the rejection of claims 1-9, 11, 12, 16, 18-20, 22 and 23 be reconsidered based on the following novel claim language exemplified in claim 1:

“a fixed arm;
a sliding arm with a longitudinally oriented slot;”

5. Rejection of Claims 10, 15, 17 and 37-42 Under 35 USC §103(a)

The aforementioned Office Action of July 13, 2006 rejected claims 10, 15, 17 and 37-42 of the subject application under 35 USC §103(a) as being unpatentable over Bell. More particularly, the Examiner stated that Bell teaches all the features of these claims with the following exceptions. The Examiner contended that although Bell does not teach claim 10, 17 and 37's feature of the hanger containing a grasping point on the hook element, this feature "is well known in the art" and "it would have been obvious ... to utilize grasping points, so as to give the user something to hold as he extended the sliding arm." The Examiner also contended that although Bell does not teach claim 38-42's various "stopping point" features, "all of [these] are well known in the art ... and ... would have been well known and understood ... at the time the invention was made." The applicants respectfully disagree with this contention of obviousness for the following reasons.

The **applicants claim** a gravity actuated collapsible garment hanger which is based on an *asymmetric* design that contains a fixed arm and a ***single sliding arm***. **This results in the following salient advantages**, each of which is discussed in detail throughout the applicants' specification. First, when the sliding arm is fully retracted, the hanger collapses to an asymmetric shape and a size that is *much* smaller than that of hangers based on a symmetric design, resulting in an offset spacing that is small enough to allow the hanger to be *easily* inserted into and removed from the neck of a small-necked garment without overly stretching and/or damaging the garment, and without requiring that the hanger be inserted/removed by moving it through the bottom of the garment. Second, the hanger can be fully extended *and* retracted by a user by using gravity and only a single hand. Finally, based on the way the hanger balances, "[w]hen the hanger is empty and in the collapsed position in a closet or on a clothes rack, it can hang with the tip of the fixed part extended slightly above the level of any filled hangers. This makes empty hangers clearly visible and accessible to a user, acting as a flag to signify that the hanger is empty and available for use." (refer, for example, to the Background Art section, paragraphs [0010-0013] and [0016]).

In contrast, **Bell teaches** an adjustable hanger which is based on a *symmetric*

design that contains **two sliding arms**. As such, **Bell does not appreciate the aforementioned advantages of the applicants' claimed hanger**. For example, the shape and size of Bell's hanger in its fully collapsed state results in an offset spacing that is much larger than that of the applicants' claimed hanger. Therefore, Bell's hanger can *not* be easily inserted/removed from the neck of a small-necked garment without overly stretching and/or damaging the garment, or requiring that the hanger be inserted/removed through the bottom of the garment. In addition, a user would typically require two hands to extend or retract Bell's hanger since one hand would be required to hold it in place while the other hand rotates the "connection means 9." (refer to column 3, line 44 – column 4, line 3) Finally, since Bell's hanger is symmetrically balanced regardless of how much its two arms are extended, when it is empty and fully collapsed it will *not* be clearly visible and accessible to a user.

In order to deem the applicants' claims unpatentable under 35 USC §103(a), a *prima facie* case showing obviousness must be made. To make a *prima facie* case showing obviousness, *all* of the elements of the recited claims must be considered, especially when they are missing from the prior art. If a claimed element is *not* taught in the prior art and has advantages not appreciated by the prior art, then no *prima facie* case of obviousness exists. The Federal Circuit court has stated that it was an error not to distinguish claims over a combination of prior art references where a material limitation in the claimed system and its purpose was not taught therein (*In Re Fine*, 837 F.2d 107, 5 USPQ2d 1596 (Fed. Cir. 1988)).

In this case, based on the remarks presented above, it is the applicants' position that Bell does not teach the subject application's claimed feature of the hanger containing a *single* sliding arm. Thus, rejected claims 10, 15, 17 and 37-42 recite a feature that is not taught in the cited art. Furthermore, Bell does not appreciate the aforementioned advantages of this feature. Accordingly, no *prima facie* case of obviousness has been established in accordance with the holding of *In Re Fine*. This lack of *prima facie* showing of obviousness means that rejected claims 10, 15, 17 and 37-42 are patentable under 35 USC §103(a) over Bell. Accordingly, it is respectfully requested that these claims be reconsidered based on the non-obvious claim language exemplified in claim 33, which is

recited in section 2 above.

6. Rejection of Claims 10, 17 and 37-42 Under 35 USC §103(a)

The aforementioned Office Action of July 13, 2006 rejected claims 10, 17 and 37-42 of the subject application under 35 USC §103(a) as being unpatentable over McClenning. More particularly, the Examiner stated that McClenning teaches all the features of these claims with the following exceptions. The Examiner contended that although McClenning does not teach claim 10, 17 and 37's feature of the hanger containing a grasping point on the hook element, this feature "is well known in the art" and "it would have been obvious ... to utilize grasping points, so as to give the user something to hold as he extended the sliding arm." The Examiner also contended that although McClenning does not teach claim 38-42's various "stopping point" features, "all of [these] are well known in the art ... and ... would have been well known and understood ... at the time the invention was made." The applicants respectfully disagree with this contention of obviousness for the following reasons.

As stated in section 5 above, the **applicants claim** a gravity actuated collapsible garment hanger which is based on an *asymmetric* design that contains a fixed arm and a ***single* sliding arm**. This results in several salient advantages which are discussed in section 5.

In contrast, **McClenning teaches** a collapsible hanger which is based on a *symmetric* design that contains **two sliding arms**. As such, **McClenning does not appreciate the aforementioned advantages of the applicants' claimed hanger** for the same reasons as discussed for Bell in section 5 above.

Therefore, based on the remarks presented above, it is the applicants' position that McClenning does not teach the subject application's claimed feature of the hanger containing a *single* sliding arm. Thus, rejected claims 10, 17 and 37-42 recite a feature that is not taught in the cited art. Furthermore, McClenning does not appreciate the aforementioned advantages of this feature. As such, no prima facie case of obviousness has been established in accordance with the holding of *In Re Fine*. This

lack of prima facie showing of obviousness means that these rejected claims are patentable under 35 USC §103(a) over McClenning. Accordingly, it is respectfully requested that the rejection of these claims be reconsidered based on the non-obvious claim language exemplified in claim 33, which is recited in section 2 above.

7. Rejection of Claims 10, 15 and 17 Under 35 USC §103(a)

The aforementioned Office Action of July 13, 2006 rejected claims 10, 15 and 17 of the subject application under 35 USC §103(a) as being unpatentable over Massa. More particularly, the Examiner stated that Massa teaches all the features of these claims with the following exception. The Examiner contended that although Massa does not teach claim 10 and 17's feature of the hanger containing a grasping point on the hook element, this feature "is well known in the art" and "it would have been obvious ... to utilize grasping points, so as to give the user something to hold as he extended the sliding arm." The applicants respectfully disagree with this contention of obviousness for the following reasons.

As stated in section 5 above, the **applicants claim** a gravity actuated collapsible garment hanger which is based on an *asymmetric* design that contains a fixed arm and a ***single* sliding arm**. This results in several salient advantages which are discussed in section 5.

In contrast, **Massa teaches** a garment hanger which is based on a *symmetric* design that contains **two sliding arms**. As such, **Massa does not appreciate the aforementioned advantages of the applicants' claimed hanger** for the same reasons as discussed for Bell in section 5 above.

Therefore, based on the remarks presented above, it is the applicants' position that Massa does not teach the subject application's claimed feature of the hanger containing a *single* sliding arm. Thus, rejected claims 10, 15 and 17 recite a feature that is not taught in the cited art. Furthermore, Massa does not appreciate the aforementioned advantages of this feature. As such, no prima facie case of obviousness has been established in accordance with the holding of *In Re Fine*. This

lack of prima facie showing of obviousness means that these rejected claims are patentable under 35 USC §103(a) over Massa. Accordingly, it is respectfully requested that the rejection of these claims be reconsidered based on the following non-obvious claim language exemplified in claim 5:

"a fixed arm;
a sliding arm with a longitudinally oriented slot;"

8. Allowable Subject Matter

The aforementioned Office Action of July 13, 2006 allowed claims 24-32. The applicants kindly acknowledge allowance of these claims.

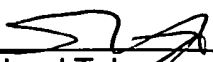
Claims 13, 14 and 21 were objected to as being dependent on a rejected base claim. The Examiner stated that these claims "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." However, the applicants at this time respectfully decline to rewrite these claims because the independent claim from which these claims depend is believed to be patentable as discussed above.

9. Summary

In view of the amendments and arguments set forth above, the applicants respectfully submit that claims 1-23 and 33-42 of the subject application are in condition for allowance as they are novel and are not obvious over the art cited by the Examiner. Accordingly, further examination and reconsideration of these claims is respectfully requested and allowance of these claims at an early date is courteously solicited.

Respectfully submitted,

LYON & HARR, LLP
300 Esplanade Drive
Suite 800
Oxnard, CA 93036
(805) 278-8855



Richard T. Lyon
Reg. No. 37,385
Attorney for applicant